

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

DANIELLE SHANNON GAILES

PLAINTIFF

V.

NO. 4:15-CV-5-DMB-DAS

ANGELA BROWN, ET AL.

DEFENDANTS

ORDER GRANTING MOTION

Before the Court is Plaintiff's motion for reconsideration of the Court's March 9, 2015, order dismissing the case for failure to prosecute and failure to comply with an order of the Court. The Court interprets the motion, using the liberal standard for *pro se* litigants set forth in *Haines v. Kerner*, 404 U.S. 519 (1972), as a motion to amend judgment under Fed. R. Civ. P. 59(e). An order granting relief under Rule 59(e) is appropriate when: (1) there has been an intervening change in the controlling law, (2) where the movant presents newly discovered evidence that was previously unavailable, or (3) to correct a manifest error of law or fact. *Schiller v. Physicians Res. Grp. Inc.*, 342 F.3d 563, 567 (5th Cir. 2003). Plaintiff argues that, contrary to the Court's ruling that he failed to timely complete and return either Form PSP-3 or Form PSP-4 to aid in the expeditious handling of this case, he actually did timely complete and return Form PSP-3. Doc. #7. Plaintiff is correct; the necessary form was returned a week before the deadline on February 2, 2015. Doc. #5. This oversight constitutes a "manifest error of ... fact" under Fed. R. Civ. P. 59(e). As such, Plaintiff's motion [8] to reconsider is **GRANTED**. The Clerk of the Court is **DIRECTED** to return this case to the Court's active docket.

SO ORDERED, this 23rd day of June, 2015.

/s/ Debra M. Brown
UNITED STATES DISTRICT JUDGE